

UNITED STATES DISTRICT COURT
FOR THE DISTRICT COURT OF PUERTO RICO

<p>RAUL RAMIREZ COBIAN, ET AL.</p> <p>Plaintiffs</p> <p>Vs.</p> <p>APICAL INDUSTRIES, INC.</p> <p>Defendant</p>	<p>CIVIL NO. 04-1038 SEC</p> <p>OVER:</p> <p>TORT AND PRODUCT LIABILITY ACTIONS</p> <p>(Plaintiffs Demands Trial by Jury)</p>
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**DEFENDANT
APICAL INDUSTRIES, INC.'S
FRCP 26(a)(1) STATEMENT**

Defendant, APICAL INDUSTRIES, INC. (hereinafter "APICAL"), by its attorneys, MORALES-MORALES LAW OFFICES, hereby responds pursuant to Federal Rule of Civil Procedure 26(a)(1):

- (A) Thus far, APICAL has identified the following persons as likely to have discoverable information in this matter upon which APICAL may rely:

Ron Gladnick, Jr., President
Defendant Apical Industries, Inc.

APICAL reserves the right to supplement this answer after additional discovery and investigation.

- (B) Thus far, APICAL has identified the following documents that APICAL may use to support its claims or defenses:

1. Photographs of the accident scene and the subject nitrogen tank (Attached hereto as Exhibit A);
2. Sales Documents (Attached hereto as Exhibit B);

3. Accident Report from the Puerto Rican Police Department (Attached hereto as Exhibit C);
4. Apical Industries' Instructions for Continued Airworthiness in effect at the time of the accident. (Attached hereto as Exhibit D) (with Apical watermark added).

APICAL reserves the right to supplement this answer after additional discovery and investigation.

(C) Computation of Damages - N/A

(D) Insurance Information: APICAL objects on the grounds that the information requested is highly confidential and proprietary and the requested information is unnecessary and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving such objection, the coverage limit for the accident is Ten Million Dollars (\$10,000,000.00). Coverage was issued by and through AIG Aviation, Inc.

RESPECTFULLY SUBMITTED.

I HEREBY CERTIFY: That on August 17, 2004, I presented the foregoing to the Clerk of the Court for filing and uploading to the CM/ECF system which will send notification of such filing to the following: Jorge Carazo Quetglas.

In San Juan, Puerto Rico, this 17th day of August 2004.

s/ JAIME E. MORALES MORALES (129006)
MORALES-MORALES LAW OFFICES
ITURREGUI PLAZA, SUITE 200
1135 65TH INFANTRY AVENUE
SAN JUAN, PR 00924
TEL. 701-2700/FAX. 701-2716
E-MAIL: momo@coqui.net